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KLICKITAT COUNTY, WA  
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Scott G. Weber, Clerk, Clark Co.

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR CLARK COUNTY

NORVAL HOVERSON, an individual,

Plaintiff,

vs.

KLICKITAT COUNTY, KLICKITAT  
COUNTY SHERIFF DEPARTMENT, and  
JOHN DOES 1-10, former and current  
employees and officials of KLICKITAT  
COUNTY.

Defendants.

No. 16 2 02073 2

COMPLAINT FOR DAMAGES

The plaintiff, NORVAL HOVERSON, by and through his attorney of record, LANCE  
D. FITZJARRALD, complains and alleges as follows:

I. PARTIES

1.1 At all material times, Plaintiff was a resident of Klickitat County, Washington.  
Plaintiff currently resides in Klickitat County, Washington.

COMPLAINT FOR DAMAGES - I

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Initial: MP

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1 1.2 Defendant Klickitat County is a government agency organized under the laws of the  
2 State of Washington, with the right to sue and be sued in its own name and stead.

3  
4 1.3 Plaintiff has named additional Klickitat County officials as "John Does 1-10" to  
5 indicate that he does not yet know the precise identity of some likely individual defendants  
6 and anticipates the possibility of naming additional individual defendants as discovery and  
7 investigation progresses.  
8

9 **II. JURISDICTION & VENUE**

10 2.1 Jurisdiction and venue are proper, pursuant to RCW 36.01.050, in the Superior Court  
11 of Clark County because said County is one of the two nearest judicial districts to Klickitat  
12 County, where all actions herein complained of occurred.  
13

14 **III. CLAIM FOR DAMAGES**

15 3.1 A Claim for Damages on behalf of Plaintiff was properly filed on Defendant Klickitat  
16 County and more than sixty days have elapsed since the filing of said claim. Said claim is  
17 incorporated herein by reference.  
18  
19

20 **IV. STATEMENT OF FACTS**

21 4.1 Mr. Hoverson was incarcerated at the Klickitat County Jail on or about September 18  
22 2013.  
23

24 4.2 The jail knew or should have known that Hoverson has deficits that had been  
25 accommodated in the past by jail employees.  
26

27 4.3 Hoverson was separated from the general population of inmates and was isolated in a  
28 crisis cell.  
29

30 COMPLAINT FOR DAMAGES - 2

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1 4.4 The jailers covered the windows in the crisis cell with trash bags to obscure  
2 Hoverson's ability to look outside his cell.  
3

4 4.5 Hoverson tried to get the jailer's attention by knocking on the door. The jailer or  
5 jailers became irritated by Hoverson and decided to apply mace or pepper spray to Hoverson  
6 while he was contained in the crisis cell.  
7

8 4.6 The jailers told him to get on his hands and knees and look at the food slot in the jail  
9 door. Hoverson was compliant with their request and got on his hands and knees. The jailers  
10 opened the food slot and told him to keep my eyes open and look up towards the slot. The  
11 jailers sprayed pepper spray directly into Hoverson's eyes until the bottle went dry. More  
12 than one jailer was present and observed the incident occur without intervening.  
13  
14

15 4.7 Hoverson was removed from the isolation cell, told to wash his face, and was then  
16 placed in the general population.  
17

18 4.8 The tissue around his eyes was obviously inflamed. Hoverson suffered extreme pain  
19 from the negligent or reckless actions of the jailers.  
20

21 4.9 Hoverson suffered emotional distress as a result of the negligent or reckless actions of  
22 the jailers.  
23

24 4.10 The emotional distress is ongoing.  
25

## 26 V. CLAIMS

27 5.1 Mr. Hoverson re-alleges each and every fact set forth above (Paragraphs I, II, III, IV).  
28  
29

1 5.2 The above-stated facts give rise to a claim of Personal Injury.

2 5.3 The above-stated facts give rise to a claim of Negligent Supervision or Training or both  
3 of the jail employees.  
4

5 5.4 The above-stated facts give rise to a claim of Negligent Infliction of Emotional Distress  
6 and Pain and Suffering.  
7

8 5.5 The above-stated facts give rise to a claim of Reckless Infliction of Cruel and Unusual  
9 Punishment by a state agent under color of law that served no legitimate purpose.

10 5.6 The above-stated facts give rise to a claim of violation of Due Process or Infliction of  
11 Cruel Punishment, or both, under the Eighth and Fourteenth Amendments of the United States  
12 Constitution and sections three and fourteen of the Washington Constitution.  
13

14 5.7 That the above-stated facts give rise to a claim of Negligence for failure to adopt,  
15 implement, and enforce adequate standards of operation for local correctional facilities, per  
16 RCW 70.48.071.  
17

## 18 VI. DAMAGES

19 6.1 Plaintiff hereby re-alleges the contents of Paragraphs I, II, III, IV, V above and  
20 incorporates them herein by this reference.  
21

22 6.2 As a direct and proximate cause of the foregoing, Plaintiff has suffered personal injuries  
23 including: (1) "noneconomic damages," not limited to, compensation for reckless or negligent  
24 infliction of emotional distress and pain and suffering and violation of constitutional rights; and  
25 (2) "economic damages," not limited to, loss of salary and benefits, and attorney's fees and  
26 costs.  
27  
28

29 COMPLAINT FOR DAMAGES - 4  
30

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VII. PRAYER FOR RELIEF

WHEREFORE, the plaintiff herein, prays for the following relief:

7.1 Judgment in the in an amount to be proven at the time of trial for all economic and non-economic damages;

7.2 Recovery of all costs and attorneys' fees incurred herein in the reasonable amount of \$300.00 per hour;

7.3 Injunctive relief in the form of adequate training and supervision of jail staff to prevent similar conduct in the future;

7.4 Relief provided under 42 U.S.C.A. section 1983 pursuant to 42 U.S.C.A. section 1988.

7.4 Any and all such further relief permitted by law or as the court may deem just and equitable.

DATED this 18 day of October 2016.

By:

  
Lance D. Fitzjarrald, WSBA #31783  
Attorney for Plaintiff